

## HUMAN SERVICES BOARD

# INTRODUCTION

## DISCUSSION

The case has had a long procedural history, including several telephone status conferences with the parties. It began with notification the petitioner received in May 2008 regarding a proposed reduction in the amount of funding for various Community Developmental Services and related services the petitioner was to receive effective July 1, 2008. In a letter dated September 24, 2008 the community provider of the services in question notified the petitioner's mother that it had "partially approved" the increase in services requested by the petitioner subject to a meeting of the State Equity

funding committee. In letters dated October 14 and November 4, 2008 the community provider notified the petitioner's mother that it had granted all the services and "adjustments" requested by the petitioner for the fiscal year beginning July 1, 2008.

In a letter to the Board dated November 21, 2008 the petitioner's mother acknowledged that all the services she had requested for the petitioner had been delineated and granted in the "budget information" that had accompanied the provider's letters, but that several approved items had been marked as being "funded internally". The petitioner appears to be demanding a specifically earmarked fund amount for each and every service and "written confirmation which of those amounts can be reviewed as part of an annualized budget on July 1, 2009".

The petitioner has made no showing that the Department is required to provide the information in the form she demands. The budgets approved by the provider are clear that all funds requested have either been approved in a specific amount equal to their specified cost or have been fully approved to be "funded internally".

The petitioner has also made no showing that the Department, at this time, is required by any policy or

regulation to approve the same amount of services for the year beginning July 1, 2009. If and when the Department notifies her that July 2009 services will not be provided in the amount requested, the petitioner is free to appeal that decision when she receives it. She is also free to file an appeal if she feels the notification of services approved for the next fiscal year is not being provided to her in a timely manner. See 3 V.S.A. § 3091(a). At this point, however, there is no indication that there has even been an application for, much less a decision made, regarding next year's services.

Thus, it appears that the issues that continue to be raised by the petitioner are either moot or premature.

ORDER

The Department's decisions as set forth in its notices to the petitioner dated October 14 and November 4, 2008 are affirmed as to substance and form.

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